

Minutes of the State Board of Health
December 6, 2000

A meeting of the Washington State Board of Health (WSBOH) was held at the Comprehensive Health Education Foundation (CHEF), Seattle, Washington. The public meeting of the WSBOH was called to order by Linda Lake, Chair, at 9:05 a.m. that addressed the attendees with the following statement:

“This is a public meeting of the WSBOH held under provision of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today’s meeting have been available since close of business last Friday from the Board’s Olympia office and on the Board’s website at www.doh.wa.gov/sboh. They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Heather Boe, Desiree Robinson, or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch.”

The following Board members were present:

Linda Lake, Chair	Charles R. Chu, DPM
Joe Finkbonner, MHA	Ed Gray, MD
Thomas H. Locke, MD, MPH	Carl S. Osaki, RS, MPH
The Honorable Margaret Pageler, JD	Mary Selecky, Secretary, Department of Health
Vickie Ybarra, RN, MPH	

The following Board members were absent:

The Honorable Neva J. Corkrum, Vice Chair

State Board of Health Staff present:

Don Sloma, Executive Director	Beth Berendt, Senior Health Policy Advisor
Heather Boe, Executive Assistant	Janice Englehart, Senior Health Policy Advisor
Doreen Garcia, Senior Health Policy Advisor	Desiree Robinson, Office Assistant Senior Donna
Russell, Health Policy Advisor	Hal Dygert, Senior Assistant Attorney General

Guests and Other Participants:

Leeanne Bates, Citizen
Joan Brewster, Washington State Department of Health
David Cundiff, MD, Department of Social and Health Services, Medical Assistance Administration
Vicki Kirkpatrick, Washington Association of Counties and Washing State Association of Local Public Health Officials
Kim Nguyen, Northwest Aids Foundation
Jack Thompson, University of Washington School of Public Health and Community Medicine

APPROVAL OF AGENDA

- *Motion: To approve the December 6, 2000 agenda as submitted.*
Motion/Second: Pageler/Chu the motion passed.

ADOPTION OF NOVEMBER 8, 2000 MEETING MINUTES

- *Motion: To approve the November 8, 2000 minutes as submitted.*
Motion/Second: Osaki/Ybarra the motion passed with amendment.

Carl Osaki requested a change to the second motion on page five of the minutes. Specifically he requested that the phrase “of adult family homes” be added after the word “residents” in the motion.

OPEN PERIOD TO TAKE PUBLIC TESTIMONY

Leeanne Bates a resident of Des Moines, Washington addressed the Board. Ms. Bates identified herself as “victim of the health care system.” Ms. Bates distributed copies of the Department of Health News Release No. 00-109. Ms. Bates stated that she did not know the circumstances of the disciplinary action described in the press release but cited it as an example where a healthcare provider had seven chances before formal disciplinary action was taken. Ms. Bates called for a more balanced system where victims are listened to more during investigations of provider misconduct. Ms. Bates stated she personally had no confidence in the DOH Secretary’s ability to assist her as a victim. She believes there is a conflict of interest in the funding of investigations and who is responsible for conducting investigations. Ms. Bates provided the example of the Director of the Maternity Support Program serving her as a client investigating her complaint.

Ms. Bates asked the Board to consider supporting a “three-strikes you’re out” type of law to use against health care providers who repeatedly use health care as a weapon and create great harm. If the severity of misconduct is great, she believes health care providers need to be prevented from treating patients in the future.

Ms. Bates also testified that she should be able to review the billings from her providers of care. She stated that she was not allowed to see provider bills when enrolled in the Medicaid program. She reported that Medical Assistance Administration (MAA) staff told her that the billings were “none of her business” – these transactions were between the provider of care and MAA.

Ms. Bates stated that she has received therapy to deal with her issues as a victim. She wants to know why she hasn’t received acknowledgement from Seattle-King County Health Department of her complaint. Ms. Bates claims that she sent a certified copy of a letter to Seattle-King County Public Health which they claim they didn’t receive and that she has a signature on a return receipt that shows someone received it. She believes that the complaint process should be improved and she requests that an apology be included in the complaint form – not necessarily to acknowledge fault but to say they are sorry if an individual feels the service was such that a formal complaint is called for.

In closing, Ms. Bates calls for accountability from the Seattle-King County Health District, Department of Health, Medicaid Fraud Control Unit, and the provider of care and requests that the Board sees that this takes place.

ASSISTANT ATTORNEY GENERAL’S REPORT

Hal Dygert, Senior Assistant Attorney General, distributed a draft memo dated December 5, 2000 “Authority to formulate public health policy.” Mr. Dygert stated the memo was in draft form based on his preliminary review of the statutes and he was seeking the Board’s input before considering finalizing the individual document. Board discussion ensued. The Honorable Margaret Pageler, JD, stated that it did not appear rational for the Board to be in a position of formulating public health policy if it was not able to then disseminate its findings and recommendations. Further analysis will be conducted prior to the finalization of any guidelines.

SBOH STAFF ANNOUNCEMENTS AND OTHER BOARD BUSINESS

Don Sloma directed the Board’s attention to the FYI list attached to the agenda, as well as the copies of the information that were available in the meeting room. He then reviewed the items under Tab 6 including the agenda for the Environmental Justice Training program scheduled for December 11, 2000. This program was called for by the Board’s previously approved Environmental Justice work plan.

RESOLUTION IN SUPPORT OF PUBLIC HEALTH FUNDING

Mr. Sloma referred the Board to the materials contained behind Tab 7. This item was a continuation of a discussion at the November 2000 Board meeting, wherein the Board received resolutions under consideration by the Washington State Association of Counties (WASAC). During the November meeting, The Honorable Neva Corkrum requested that the Board consider formally endorsing WASAC's efforts.

Ms. Pageler noted that the resolution before the Board appeared to make recommendations directly to the Legislature rather than in support of WASAC. Mr. Sloma confirmed that the resolution as drafted, made direct recommendations to the Legislature.

Thomas H. Locke, MD, MPH, stated that he believed that several of the issues contained in the resolution were under review by the Office of Financial Management (OFM). He asked about the status of the review. Mary Selecky responded that the Governor's proposed budget would be released in about two weeks and we would know then if it proposed funding for Prevnar, child tracking etc.

Vicki Kirkpatrick, representing both the Washington State Association of Counties and Washington State Association of Local Public Health Officials stated that her organizations were submitting requests that the Governor's budget maintain current funding, including the special appropriation passed last session to offset the losses under I-695 and subsequent motor vehicle tax rollbacks passed by the Legislature.

Mr. Dygert advised the Board that it can endorse policy statements of other entities. Endorsement of legislative proposals may be problematic if it is viewed as an attempt to influence legislation or construed as lobbying. State agencies are prohibited under state law from using public funds to directly or indirectly lobby. To endorse WASAC funding proposal may run afoul of the prohibitions. The Board can make recommendations to the Governor on Legislative policy. The Resolution as drafted would probably be acceptable. The Resolution was then read into record.

- ***Motion: To approve the Resolution as submitted.***
Motion/Second: Finkbonner/Pageler.

Mr. Osaki requested an amendment to the Resolution. In the last section, "Be it resolved..." after "tobacco prevention" insert "continued support of drinking water program"

- ***Motion: To accept the amendment offered by Carl Osaki.***
Motion/Second: Osaki/Pageler the motion passed.
- ***Motion: To approve the Resolution as amended.***
Motion/Second: Finkbonner/Pageler. The motion passed.

ANNUAL REPORT

Beth Berendt reviewed the final draft of the Annual Report under Tab 8. After a general discussion and some minor edits the Board indicated that the Annual Report could be transmitted to OFM for review and then final publication.

- ***Motion: To approve the draft Annual Report with requested edits.***
Motion/Second: Pageler/Finkbonner. The motion passed.

STRATEGIC PLANNING

Mr. Sloma directed the Board's attention to his memo under Tab 9. The memo contains eight "short list" priorities compiled by staff and Ms. Lake which have been expanded for discussion purposes.

Dr. Locke stated he supports the focus of the process for gathering information as it will lead to better priority setting. Vickie Ybarra indicated concern about "scope creep" relative to item number three when it expands the children's health and well being work to include the prenatal period. She acknowledged the Washington State

Academy of Pediatrics' concern about fetal alcohol syndrome, but she also wants to concentrate the subcommittee's efforts in areas where the Board has a clear role.

Mr. Osaki noted that many of the items on the list are work already in process. He was concerned that there be a greater focus on the work products. If the projects become too broad they could bog the Board down.

Mr. Sloma indicated that the strategic planning process is an attempt to get to priorities that fit within the Board's budget and resources. Clearly the Board cannot take on all items on the list and there may be areas of concern not on the list. Mr. Osaki stated that it is important to define an end point and end product for each of the projects.

Mr. Sloma suggested that the current board sponsors of ongoing priorities to review the list of proposals with the goal of shortening it and dealing with issues of scope creep and budget/resource restrictions. In addition, all Board members should consider whether there are additional items that are not currently listed. Staff will work with sponsors and will present shorter/narrower list in January.

FINALIZE BOARD MEETING SCHEDULE FOR 2001

Mr. Sloma presented the proposed Board meeting agenda located behind Tab 10. Some effort will be made to reduce the total number of Board meetings as a cost saving measure, therefore, some of the meetings are shown as tentative.

- ***Motion: To approve the proposed Board Meeting Schedule for 2001.***
Motion/Second: Ybarra/Pageler. The motion passed.

DEPARTMENT OF HEALTH (DOH) UPDATE AND DOH BUDGET PROPOSALS

Ms. Selecky reported that the Quit-line was successfully launched on the day of the Great American Smoke Out in November 2000. Of the approximately 1500 calls to the Quit line, 950 received full intervention and counseling by trained counselors. There were a few questions asking about why the state was spending tax dollars for the program. The misinformation was clarified by pointing out to the callers that the program is funded by the tobacco settlement dollars and not state tax dollars.

Ms. Selecky noted that Governor Locke will announce his proposed budget in the next two weeks. During the budget preparation process, all agencies were asked to propose a total of six percent in cuts for General Fund State programs. Agencies were encouraged to look at eliminating whole programs rather than across the board reductions. The Department of Health put together a comprehensive list of \$7 million in potential cuts, all of which will probably not be taken. It is of great concern that revenue growth not keeping pace with health care inflation rate.

PUBLIC HEALTH IMPROVEMENT PLAN UPDATE

Mr. Sloma introduced the topic and drew the Board's attention to his memo behind Tab number 12 that reviewed the Board's role in the PHIP development process.

Joan Brewster, Director of Public Health Systems Improvement, Department of Health, then presented a PowerPoint summary of the work to date and indicated that the PHIP Steering committee was meeting in the afternoon to review the draft document and recommendations.

Dr. Locke updated the Board on the Board's Priority Project relative to the PHIP. A matrix demonstrating the prior commitments and progress to date, was included with the Board materials.

Mr. Osaki asked whether members of the community have been part of the process. Ms. Brewster stated that they were not actively involved in this year's PHIP but community input will be a focus of discussions for the 2002 PHIP.

OPEN PERIOD TO TAKE PUBLIC TESTIMONY ON ANY HEALTH ISSUE

No additional verbal testimony was offered, but Mr. Sloma drew the Board’s attention to written testimony behind Tab 13 dealing with financial incentives for completion of advanced medical directives.

ADJOURNMENT

The meeting was adjourned at 12:15 p.m.

WASHINGTON STATE BOARD OF HEALTH

Linda Lake, Chair